

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122

E-FILED on January 25, 2007

Annette W. Jarvis, Utah Bar No. 1649  
 Steven C. Strong (Utah Bar No. 6340)  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)  
 and

Lenard E. Schwartzer  
 Nevada Bar No. 0399  
 Jeanette E. McPherson  
 Nevada Bar No. 5423  
 Schwartzer & McPherson Law Firm  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)  
 Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case Nos. BK-S-06-10725 LBR  
 Case Nos. BK-S-06-10726 LBR  
 Case Nos. BK-S-06-10727 LBR  
 Case Nos. BK-S-06-10728 LBR  
 Case Nos. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

**DECLARATION IN SUPPORT OF EX  
 PARTE APPLICATION FOR ORDER  
 SHORTENING TIME TO HEAR DEBTORS'  
 MOTION FOR AN ORDER ENFORCING  
 THE AUTOMATIC STAY TO PREVENT  
 FORECLOSURE BY WESTERN UNITED  
 LIFE ASSURANCE COMPANY**

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☒ USA First Trust Deed Fund, LLC

**(AFFECTS USA COMMERCIAL  
 MORTGAGE COMPANY, USA CAPITAL  
 DIVERSIFIED TRUST DEED FUND, LLC,  
 AND USA FIRST TRUST DEED FUND,  
 LLC)**

Date: OST Requested for January 31, 2007  
 Time: OST Requested for 9:30 a.m.

1 Lenard E. Schwartz, Esq. of Schwartz & McPherson Law Firm, under penalties of  
2 perjury, hereby declares on this 24<sup>th</sup> day of January, 2007 that:

3 1. A Motion For An Order Enforcing The Automatic Stay To Prevent Foreclosure By  
4 Western United Life Assurance Company (the "Motion") has been filed. This Motion requests an  
5 order of the Court pursuant to Section 362(a) and 105(a) of the United States Bankruptcy Code  
6 and Rule 9020 of the Federal Rules of Bankruptcy Procedure enforcing the automatic stay to  
7 prevent Western United Life Assurance Company ("WULA") from conducting a foreclosure sale  
8 that would foreclose the interests of FTDF and DTDF.

9 2. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

10 3. This Motion is requested to be heard on shortened time because the first lien holder  
11 on the Montgomery County property has scheduled a foreclosure for February 6, 2007.

12 Dated: January 25, 2007

13  
14 /s/ Lenard E. Schwartz, Esq.  
15 LENARD E. SCHWARTZER, ESQ.  
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